

# *EXHIBIT A*

David Roy Southwell - 3/28/2019

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RYSTA LEONA SUSMAN, both  
individually and as Legal Guardian of  
SHANE ALLEN LOVELAND, et al.,  
Plaintiffs,

Case No. 8:18-cv-00127

v.  
THE GOODYEAR TIRE & RUBBER  
COMPANY,

Defendant.

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DEPOSITION OF  
DAVID ROY SOUTHWELL

March 28, 2019

9:00 a.m.

Colville & Dippel  
1309 E. Broadway Boulevard  
Tucson, Arizona 85719

EPIQ COURT REPORTING  
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1 overlay does not, by definition, make that tire  
2 unreasonably dangerous? Will you agree with that?

3 A. Yeah, I think that's reasonable.

4 Q. Okay. Did this tire comply with all industry  
5 standards?

6 MR. FARRAR: Object to form.

7 THE WITNESS: I need you to define  
8 "industry standards."

9 Q. BY MR. BOTT: Well, you had a definition for  
10 "state of the art." Do you have a definition for  
11 "industry standards"?

12 A. It's your question.

13 Q. It is, yeah. I'm asking, do you have a  
14 definition for it?

15 A. The industry standard is to design and sell a  
16 tire that is safe and will maintain integrity until the  
17 tread wears out. That's the industry standard.

18 Q. All right.

19 A. That tire did not meet the industry standard.

20 Q. Now, there are Federal Motor Vehicle Safety  
21 Standards, correct?

22 A. There are.

23 Q. To your knowledge, did this tire meet those  
24 Federal Motor Vehicle Safety Standards?

25 A. Nobody tested it.

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1 Q. How do you know that?

2 A. Well, because it's a destructive test, so it  
3 would never have made it into the market if it had been  
4 tested.

5 Q. So do you know whether or not the -- the -- the  
6 tire overall, this model tire, as designed and  
7 manufactured by Goodyear, did it meet Federal Motor  
8 Vehicle Safety Standards?

9 A. Well, the design of one tire would have -- you  
10 know, the design -- the performance of one tire of that  
11 design would have met it.

12 Q. Because had it not met -- had it -- had the  
13 Goodyear testing of this tire, however many tests they  
14 did, not passed the Federal Motor Vehicle Safety Standard  
15 testing, then it would not have been fit for use?

16 A. The design of the tire, yes.

17 Q. Okay. I understand you're not talking about  
18 this individual tire or -- I get that.

19 A. Uh-huh.

20 Q. I'm just talking about the -- the design of the  
21 tire, as tested, would have had to have passed FMVSS?

22 A. FM- -- it would have -- FMVSS is a very  
23 short-term, you know, test. It doesn't -- it doesn't  
24 purport to test or represent the long-term durability of  
25 tires in the market.

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1 Q. Using that FMVSS standard as an example, are  
2 you aware of any written standard by anybody that this  
3 tire failed, this model tire?

4 A. A written standard?

5 MR. FARRAR: Object to form.

6 THE WITNESS: There's certainly plenty of  
7 published material that reflects the standard to which  
8 tire manufacturers hold themselves, which is that a tire  
9 should not fall apart before it wears out, and it failed  
10 that standard.

11 Q. BY MR. BOTT: Okay. Any other standard?

12 A. No.

13 Q. Okay. With regard to service and maintenance  
14 of tires, I assume you agree that the inflation pressure  
15 should be checked regularly?

16 A. Yes.

17 Q. It's important to keep the tire properly  
18 inflated?

19 A. Yes.

20 Q. Important to keep the tire so that it's not  
21 overloaded?

22 A. Yes.

23 Q. And you understand that in a construction  
24 setting like the Dandee Concrete Construction Company,  
25 where it's on work sites and perhaps more susceptible to